

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
The Burke Center—West Austin Street	)	CC Docket No. 02-60
Trinity Valley Community College	)	
UTHSCT on behalf of ETHIN—Andrews Center	)	
Request for Review of a Decision of the Universal	)	
Service Administrator	)	

**REQUEST FOR EXTENSION OF TIME**

Pursuant to 47 C.F.R. §§ 1.46 and 54.720(a), (b), The Burke Center—West Austin Street, Trinity Valley Community College, and UTHSCT on behalf of ETHIN—Andrews Center (collectively, The University of Texas Health Science Center, Tyler, or “UTHSCT”) respectfully request an extension of time in which to file a request for review of certain Funding Commitment Decision Letters (“FCDLs”) issued by the Universal Service Administrative Co. (“USAC”) on March 13, 2017. The FCDLs denied funding under the Rural Health Care Program for Funding Years 2012-2016 and were issued at the same time as USAC’s March 13, 2017 Further Explanation of the Administrator’s Decision (“Further Explanation,” included as Attachment A). The FRNs that are the subject of these FCDLS are listed in Appendices A, B, and C of the attached Further Explanation.

The Further Explanation made a number of factual allegations regarding vendor participation in UTHSCT’s procurement process. UTHSCT takes these allegations extremely seriously, and has therefore initiated a rigorous internal investigation to determine precisely how the procurements in question were conducted. Because of the scope and nature of the procurements and the facts as alleged, as well as the added complication of eliciting facts from third parties, UTHSCT does not believe it can complete this investigation until the middle of June. In the meantime, UTHSCT cannot determine whether a request for review is warranted nor can it provide the Commission with a robust and meaningful factual analysis.

Pursuant to 47 C.F.R. § 1.46(a), extensions of time may be granted upon a showing of good cause. Based on the foregoing, UTHSCT believes that it has demonstrated good cause for an extension of time. See *Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans*, 30 FCC Rcd 14157, ¶ 5 (2015) (granting an extension of time to reply to a tariff designation order because “[s]uch an extension of time will give the incumbent LECs and other parties valuable, additional time to review and analyze the sizeable amount of data collected in the business data services proceeding, and formulate their record submissions to inform the Commission's review of the pricing plans under investigation in this proceeding.”); *Amendment of the Commission's Rules to Facilitate the Use of Cellular Telephones and other Wireless Devices Aboard Airborne Aircraft*, 20 FCC Rcd 7551, ¶ 3 (2005) (“Although it is the policy of the Commission that extensions of time shall not be routinely granted, we find that a limited extension of time in this instance will facilitate the development of a complete record for the Commission's review.”)

Against this background, UTHSCT respectfully requests a 60 day extension (until July 12, 2017) of 47 C.F.R. §§ 54.720(a),(b)'s deadlines for filing appeals of the USAC FCDLs at issue in this case.

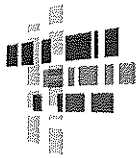
Respectfully Submitted,

/s/ Stephen J. Rosen  
Stephen J. Rosen  
Colleen Boothby  
Levine, Blaszak, Block & Boothby  
2001 L Street, NW, Suite 900  
Washington, DC 20036

Counsel to the University of Texas System

April 18, 2017

**ATTACHMENT A**  
**FURTHER EXPLANATION**



Universal Service  
Administrative Co.

**FURTHER EXPLANATION OF THE ADMINISTRATOR'S DECISION**

*Via Electronic and Certified Mail*

March 13, 2017

Ms. Darlene Flourney  
The Burke Center – West Austin Street  
1401 W. Austin Street  
Crockett, TX 75835

Ms. Darlene Flourney  
Trinity Valley Community College  
100 Cardinal Drive  
Athens, TX 75751

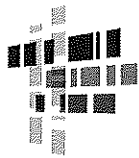
Ms. Darlene Flourney  
UTHSCT on behalf of ETIHN – Andrews Center  
1174 East Lennon Avenue  
Emory, TX 75440

Mr. Zachery Mungeer  
Windstream Communications, LLC  
1440 M street, 6<sup>th</sup> Floor  
Lincoln, NE 68510

FCC Form 465 Nos.: 43144429, 43155674, 43133868, 43144511, 43123237, 43123240,  
43155659, and 43155889  
Funding Request Numbers (FRNs): See Appendices A, B, and C  
Funding Years (FYs): 2012 - 2016

Dear Darlene Flourney:

The Universal Service Administrative Company (USAC) is providing additional information regarding the reasons for its decision to deny funding for the above-referenced applications and FRNs submitted in the federal Universal Service Rural Health Care Telecommunications Program (RHC Telecom Program). As noted in the accompanying Denial Letter, based on USAC's review of the FY 2015 FRNs listed in Appendix A and the supporting documentation submitted by the following health care providers (HCPs) — The Burke Center –West Austin Street (Burke), Trinity Valley Community College (Trinity), and UTHSCT on behalf of ETIHN – Andrews Center (UTHSCT) (collectively, the



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HCPs) — as well as Windstream Communications, LLC (Windstream),<sup>1</sup> USAC is unable to approve funding for these FRNs because the HCPs' selection of Windstream as the service provider for each of the FRNs was not the result of a fair and open competitive bidding process in violation of the Federal Communications Commission's (FCC or Commission) rules.<sup>2</sup> In addition, because the selection of Windstream for these FRNs was not the result of a fair and open competitive bidding process, USAC deems the underlying FCC Forms 465 that gave rise to these requests defective and, thereby, denies all other funding requests arising from these forms, including those FY 2012, 2013, 2014, and 2016 FRNs listed in Appendices B and C.<sup>3</sup>

Please be advised that the Denial Letter is an official action by USAC regarding these funding applications and requests. Please refer to the Denial Letter for instructions on how to appeal the decision to deny funding for these requests. A more detailed explanation of the reason for the denial follows.

I. Background

The RHC Telecom Program provides eligible HCPs with universal service support for the difference between the urban and rural rates for eligible telecommunications services, subject to limitations set forth in the Commission's rules.<sup>4</sup> FCC rules require HCPs to competitively bid the requested services

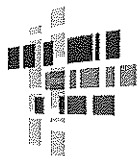
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<sup>1</sup> See generally Letter from Warren Lai, Member, CFT Filings LLC, to USAC (Jan. 5, 2017) (*HCP January 2017 Response*); Letter from Tim Loken, Director Regulatory Reporting, Windstream, to USAC (Jan. 6, 2017) (*Windstream January 2017 Response*).

<sup>2</sup> See *Requests for Review of Decisions of the Universal Service Administrator by Hospital Networks Management, Inc. Manchaca, Texas*, WC Docket No. 02-60, Order, 31 FCC Rcd 5731, 5733, para. 4 (2016) (*Hospital Networks Management Order*) (citing *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9076, para. 480 (1997) (subsequent history omitted) (requiring competitive bidding processes to be fair and open such that no bidders receive an unfair advantage). Cf. *Schools and Libraries Universal Service Support Mechanism*, CC Docket Nos. 96-45 *et al.*, Third Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 26912, 26939, para. 66 (2003) (*Schools and Libraries Third Report and Order*) (stating that a fair and open competitive bidding process is critical to preventing waste, fraud, and abuse of program resources); *Request for Review by Mastermind Internet Services, Inc., et al.*, CC Docket No. 96-45, Order, 16 FCC Rcd 4028 (2000) (*Mastermind Order*) (finding that the FCC Form 470 contact person influences an applicant's competitive bidding process by controlling the dissemination of information regarding the services requested and, when an applicant delegates that power to an entity that also participates in the bidding process as a prospective service provider, the applicant impairs its ability to hold a fair competitive bidding process); *Request for Review by Dickenson County Public Schools et al.*, CC Docket No. 96-45, 17 FCC Rcd 15747, 15748, para. 3 (2002) (noting that an applicant impairs its ability to hold a fair and open competitive bidding process when the applicant's FCC Form 470 contact person is also a service provider participating in the bidding process as a bidder)). See generally, 47 C.F.R. 54.603(a) (2015). To the extent USAC has provided funding for those FRNs listed in Appendix A, USAC will seek recovery of these funds and will issue a separate letter seeking recovery.

<sup>3</sup> To the extent USAC has provided funding for those FRNs listed in Appendices B and C, USAC will seek recovery of these funds and will issue a separate letter seeking recovery.

<sup>4</sup> See 47 C.F.R. §§ 54.602(a), 54.604(b) (2015).



and select the most cost-effective method of providing the requested service.<sup>5</sup> Specifically, HCPs must make a bona fide request for eligible services by posting an FCC Form 465 to USAC's website for telecommunications carriers to review.<sup>6</sup> HCPs must review all bids submitted in response to the FCC Form 465 and wait at least 28 days before entering into a service agreement with the selected service provider.<sup>7</sup>

The FCC further requires that the competitive bidding process be fair and open, and that the process not be compromised by improper conduct by the applicant, service provider, or both parties.<sup>8</sup> Accordingly, a service provider participating in the competitive bidding process cannot be involved in the preparation of the FCC Form 465, request for proposal (RFP) or vendor selection process.<sup>9</sup> Consultants or other parties working on behalf of the HCP who have an ownership interest, sales commission arrangement, or other financial stake with respect to a bidding service provider are also prohibited from performing any of those tasks on behalf of the HCP.<sup>10</sup> The FCC has further made clear that those individuals listed as the contact person on the FCC Forms 465 may not be affiliated with a service provider that participates in the bidding process as a bidder.<sup>11</sup> Indeed, the FCC has stated that any FCC Form 465 that lists as the contact person an employee or representative of a service provider that also participates in the bidding process as a bidder or is ultimately selected to provide the requested services should be deemed defective and any funding requests arising from that form denied.<sup>12</sup>

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<sup>5</sup> See 47 C.F.R. §§ 54.603(a), (b)(4), 54.615(a) (2015).

<sup>6</sup> 47 CFR § 54.603 (2015); see also FCC Form 465, OMB 3060-0804 (Nov. 2012) (*FCC Form 465*).

<sup>7</sup> 47 CFR § 54.603(b)(3) (2015).

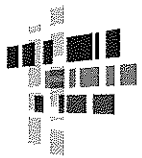
<sup>8</sup> See *supra* note 2.

<sup>9</sup> *Hospital Networks Management Order*, 31 FCC Rcd at 5733, para. 4 (citing *Schools and Libraries Universal Service Support Mechanism and A National Broadband Plan for Our Future*, Sixth Report and Order, CC Docket 02-6, 25 FCC Rcd 18762, 18799-800, para. 86 (2010) (*Schools and Libraries Sixth Report and Order*) ("an applicant violates the Commission's competitive bidding rules if the applicant turns over to a service provider the responsibility for ensuring a fair and open competitive bidding process")).

<sup>10</sup> *Id.* at 5733-34, para. 4 (citing *Requests for Review of the Decision of the Universal Service Administrator by SEND Technologies, L.L.C.*, CC Docket No. 02-6, Order, 22 FCC Rcd 4950 (Wireline Comp. Bur. 2007) (*SEND Order*) (finding that where the applicant's contact person is also a partial owner of the selected service provider, the relationship between the applicant and the service provider creates a conflict of interest and impedes fair and open competition)).

<sup>11</sup> *Id.* at 5742, para. 20 (citing *Schools and Libraries Universal Service Support Mechanism and A National Broadband Plan for Our Future*, Sixth Report and Order, CC Docket 02-6, 25 FCC Rcd 18762, 18799-800, para. 86 (2010) (*Schools and Libraries Sixth Report and Order*) ("an applicant violates the Commission's competitive bidding rules if the applicant turns over to a service provider the responsibility for ensuring a fair and open competitive bidding process")).

<sup>12</sup> *Id.* (citing *Mastermind Order*, 16 FCC Rcd at 4032, para. 9).



Between April 16, 2016 and June 30, 2016, the HCPs submitted FY 2015 FCC Forms 466 for each of the FRNs listed in Appendix A, requesting support for 1 Gigabits per second (Gbps) Ethernet service from Windstream.<sup>13</sup> On each of the FCC Forms 466, the HCPs indicated that they had received no bids in response to their FCC Forms 466.<sup>14</sup> The HCPs did not provide any documentation related to their competitive bidding process with their requests.

On December 23, 2016, USAC requested that the HCPs describe the competitive bidding and bid evaluation process that resulted in the selection of Windstream to provide the requested service for each of the FRNs listed in Appendix A.<sup>15</sup> In addition, USAC requested that, to the extent not already provided, the HCPs provide copies of all bids received, bid evaluation and vendor selection documentation (*e.g.*, score sheets, bid evaluation matrices), and any RFPs or other documents provided to prospective service providers.<sup>16</sup> On the same day, USAC requested that Windstream explain the nature of certain costs associated with the monthly recurring charge (MRC) for each FRN, including “Partner Commissions” costs.<sup>17</sup>

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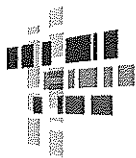
<sup>13</sup> Burke submitted FY 2015 FCC Forms 466 for FRNs 1580117, 1580118, 1580121, 1580122, 1580123, 1580124, 1580125, 1580126, 1580127, 1580128, 1580129, 1580130, 1580131, and 1580132 on May 9, 2016 and a FY 2015 FCC Form 466 for FRN 1584689 on June 28, 2016. *See* FCC Forms 466 for FY 2015, Burke, FRNs 1580117, 1580118, 1580121, 1580122, 1580123, 1580124, 1580125, 1580126, 1580127, 1580128, 1580129, 1580130, 1580131, and 1580132 (May 9, 2016); FCC Form 466 for FY 2015, Burke, FRN 1584689 (June 28, 2016). Trinity submitted FY 2015 FCC Forms 466 for FRNs 1578411, 1578412, 1578413, 1578414, 1578415, 1578416, 1578417, 1578418, 1578419, 1578420, 1578421 on April 16, 2016 and a FY 2015 FCC Form 466 for FRN 1580115 on May 18, 2016. *See* FCC Forms 466 for FY 2015, Trinity, FRNs 1578411, 1578412, 1578413, 1578414, 1578415, 1578416, 1578417, 1578418, 1578419, 1578420, 1578421 (Apr. 16, 2016); FCC Form 466 for FY 2015, Trinity, FRN 1580115 (May 18, 2016). UTHSCT submitted FCC Forms 466 for FRNs 1575203, 1578408, 1578409, and 1578410 on April 16, 2016 and FRN 1584974 on June 30, 2016. FCC Form 466 for FY 2015, UTHSCT, FRNs 1575203, 1578408, 1578409, and 1578410 (Apr. 16, 2016); FCC Form 466 for FY 2015, UTHSCT, FRN 1584974 (June 30, 2016).

<sup>14</sup> *See* FCC Forms 466 for FY 2015, Burke, FRNs 1580117, 1580118, 1580121, 1580122, 1580123, 1580124, 1580125, 1580126, 1580127, 1580128, 1580129, 1580130, 1580131, and 1580132 (May 9, 2016); FCC Form 466 for FY 2015, Burke, FRN 1584689 (June 28, 2016); FCC Forms 466 for FY 2015, Trinity, FRNs 1578411, 1578412, 1578413, 1578414, 1578415, 1578416, 1578417, 1578418, 1578419, 1578420, 1578421 (Apr. 16, 2016); FCC Form 466 for FY 2015, Trinity, FRN 1580115 (May 18, 2016); FCC Form 466 for FY 2015, UTHSCT, FRNs 1575203, 1578408, 1578409, and 1578410 (Apr. 16, 2016); FCC Form 466 for FY 2015, UTHSCT, FRN 1584974 (June 30, 2016).

<sup>15</sup> *See* Email from Jeremy Matkovich, Program Analyst, USAC, to Darlene Flournoy, ETIHN Coordinator, Burke Center, Trinity, UTHSCT (Dec. 23, 2016) (*HCP Information Request*).

<sup>16</sup> *See id.*

<sup>17</sup> *See* Email from Jeremy Matkovich, Program Analyst, USAC, to Tim Loken, Director Regulatory Reporting, Windstream (Dec. 23, 2016) (*Windstream Information Request*). USAC also requested that Windstream provide an explanation of and documentation to support how the urban and rural rates for each FRN were derived. *Id.* Although Windstream responded to these requests, USAC does not address the merits of those arguments herein. In addition, regarding the “Partner Commissions” costs, USAC notes that Windstream previously submitted an itemized list of all charges included in the MRC for each FRN, which listed, among other items, “Partner Commissions.” *See* Email from Tim Loken, Director Regulatory Reporting, Windstream, to Carolyn McCornac, Director of Program Management, USAC (Nov. 9, 2016). Windstream provided the same itemized list of charges to



The HCPs responded to USAC's information request on January 5, 2017.<sup>18</sup> In their response, the HCPs indicated that for each of the FRNs listed in Appendix A, "there was a public open bid window that lasted 28 days," during which Windstream was the only service provider that submitted bids.<sup>19</sup> According to the HCPs, although other service providers requested information regarding the FCC Form 465 postings and were provided bid sheets during this period, none of these companies provided a quote, "nor did any other provider indicate an intent to submit a bid and request additional time to prepare such bid."<sup>20</sup> The HCPs further explained that, as the only service provider that submitted bids during the 28-day competitive bidding period, Windstream was the lowest cost provider; and, as a result, the HCPs awarded the contracts to Windstream.<sup>21</sup> Moreover, although the HCPs provided a list of selection criteria to other service providers that requested information, the HCPs stated that no score sheets or bid evaluation matrices were used in the selection process as the HCPs only received one bid for each of the FRNs.<sup>22</sup> In support of their assertions, the HCPs provided copies of email exchanges with the service providers that had submitted inquiries but no bids, as well as the bid sheets the HCPs provided to these service providers in response to their inquiries.<sup>23</sup> The HCPs did not, however, provide documentation demonstrating any exchanges with Windstream or copies of the bids submitted by Windstream during the competitive bidding period as requested.

Windstream responded to USAC's information request on January 6, 2017.<sup>24</sup> Regarding the "Partner Commissions" costs included in the itemized list of all charges, Windstream stated that these costs represent "residual commissions (typically 20% of the MRR)" paid to sales agents known as "Channel Partners" "for identifying and bringing a customer to Windstream."<sup>25</sup>

## II. Discussion

Based on our review of the information and documentation provided, we find that the HCPs' selection

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USAC in response to USAC's request for a further breakdown of charges included in the MRC for each FRN listed in Appendix A. *See Windstream January 2017 Response*. USAC notes, however, that the itemized list only reflects a breakdown of charges for 24 of the 32 FRNs included in the Appendix. *Id.* The following FRNs are not reflected in the itemization: 1584689, 1578414, 1578415, 1578416, 1578418, 1578419, 1578420, and 1584974. *Id.*

<sup>18</sup> *See generally HCP January 2017 Response*.

<sup>19</sup> *Id.* at 1.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *See id.*

<sup>23</sup> *See HCP January 2017 Response*, Exhibits B-L.

<sup>24</sup> *See generally Windstream January 2017 Response*.

<sup>25</sup> *Id.* at 1.



of Windstream as the service provider for each of the FRNs listed in Appendix A was not the result of a fair and open competitive bidding process in violation of the FCC's rules.<sup>26</sup> As noted above, FCC rules require HCPs to competitively bid the requested services and select the most cost-effective method of providing the requested service.<sup>27</sup> The FCC also requires that the competitive bidding process be fair and open, and that it not be compromised because of improper conduct by the HCP, service provider, or both parties.<sup>28</sup> This means that all potential bidders and service providers must have access to the same information and must be treated in the same manner throughout the procurement process.<sup>29</sup> In the instant matter, as explained further below, USAC concludes that the relationship between Windstream and Mr. Gary Speck, the party who both filed the FCC Forms 465 on behalf of the HCPs and whose employer (i.e., ABS Telecom, LLC) was listed as a vendor on at least one of the HCPs' service agreements with Windstream, created a conflict of interest that undermined the competitive bidding process for all FRNs at issue in violation of the FCC's rules.<sup>30</sup> What is more, based on USAC's review, it appears Mr. Speck's employer received sales commissions from Windstream for identifying and bringing customers to it, which further tainted the competitive bidding process for all FRNs.<sup>31</sup>

Specifically, for each of the FRNs listed in Appendix A, the HCPs submitted FCC Forms 465 that listed Mr. Speck as both the HCP contact and certifying party, while ABS Telecom, LLC was listed as Mr. Speck's employer.<sup>32</sup> As the contact listed on the FCC Forms 465, and as demonstrated in the email exchanges between the HCPs and service providers who requested bid sheets, it appears Mr. Speck was the only person that interfaced with all prospective bidders in response to their requests for bid sheets during the competitive bidding period.<sup>33</sup> At the same time, USAC's review and investigation revealed that Mr. Speck also had an apparent financial interest in the selection of Windstream as the service provider for the HCPs, as his employer, ABS Telecom, LLC, was listed as

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<sup>26</sup> See *supra* note 2.

<sup>27</sup> See 47 C.F.R. §§ 54.603(a), (b)(4), 54.615(a) (2015).

<sup>28</sup> See *supra* note 2.

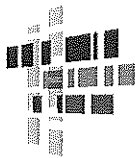
<sup>29</sup> *Hospital Networks Management Order*, 31 FCC Rcd at 5733, para. 4 (citing *Mastermind Order*, 16 FCC Rcd 4033, para. 10).

<sup>30</sup> See *id.* at 5733-34 (citations omitted); 47 C.F.R. § 54.603; see, e.g., Windstream Service Schedule for UTHSCT on behalf of ETHN (Mar. 19, 2012) (identifying ABS Telecom, LLC as a "Data Vendor"). USAC notes that ABS Telecom, LLC was listed as a vendor on Trinity's service schedule notices submitted to USAC. While the service schedule notices for both Burke and UTHSCT similarly include a field for the selected "Data Vendor," these fields were left blank. See, e.g., Windstream Service Schedule for Burke (Nov. 19, 2013).

<sup>31</sup> See *Windstream January 2017 Response* at 1.

<sup>32</sup> See, e.g., FCC Form 465 for FY 2015, Burke, at 1-2, Lines 16-17, 39-41 (June 1, 2015). Mr. Speck is listed as a "Managing Partner" for ABS Telecom, LLC.

<sup>33</sup> See *HCP January 2017 Response*, Exhibits B-L.



one of Windstream's "Data Vendors" on the service schedule notices for Trinity.<sup>34</sup>

Moreover, in its response to USAC's December 23, 2016 information request, Windstream indicated that its MRC for each of the FRNs listed in Appendix A included "residual commissions" paid to "Channel Partners (agents)" as compensation "for identifying and bringing a customer to Windstream."<sup>35</sup> According to Windstream's website, Windstream's network of Channel Partners, which includes "Data Vendors," markets Windstream's products and services.<sup>36</sup> In fact, ABS Telecom, LLC, the entity for which Mr. Speck is managing partner, was named one of Windstream's "Elite Channel Partners" in 2014.<sup>37</sup>

Based on the record and application of FCC precedent, USAC finds that Mr. Speck's role as the contact person listed on the FCC Forms 465 and affiliation with Windstream undermined fair and open competitive bidding for all FRNs listed in Appendix A. Indeed, it is precisely this type of relationship between an HCP's contact person and a service provider that is prohibited by the FCC's rules given the contact person's ability to influence an HCP's competitive bidding process by controlling the dissemination of information and potentially discouraging prospective bidders from submitting bids or excluding them from the process altogether.<sup>38</sup> Accordingly, USAC deems the FCC Forms 465 defective and denies all funding requests arising from these forms as listed in Appendices A, B, and C.

### Conclusion

Based on the information and documentation provided, USAC is unable to approve RHC Telecom Program support for the FY 2012 through 2016 FRNs listed in Appendices A, B, and C.<sup>39</sup> Accompanying this letter is the Denial Letter denying funding for the FRNs referenced above. If you wish to appeal that decision, please refer to the instructions included in the Denial Letter for submitting an appeal.

Sincerely,

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<sup>34</sup> See, e.g., Windstream Service Schedule for UTHSCT on behalf of ETIHN (Mar. 19, 2012) (identifying ABS Telecom, LLC as a "Data Vendor").

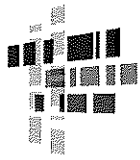
<sup>35</sup> *Windstream January 2017 Response* at 1.

<sup>36</sup> See Windstream Website, Channel Program, available at <http://www.windstreambusiness.com/company/partner-programs/channel-partner-program> (last visited Mar. 7, 2017).

<sup>37</sup> See Windstream Website, Windstream Names 2014 Elite Channel Partners, available at <http://www.channelpartneronline.com/news/2015/03/windstream-names-2014-elite-channel-partners.aspx> (last visited Mar. 7, 2017).

<sup>38</sup> See *Hospital Networks Management Order*, 31 FCC Rcd at 5740 (citations omitted).

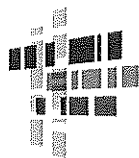
<sup>39</sup> To the extent USAC has provided funding for any of these FRNs, USAC will seek recovery of these funds and will issue a separate letter seeking recovery.



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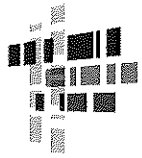
Craig Davis

Vice President, Rural Health Care Division



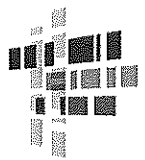
**Appendix A – FY 2015 FRNs**

<b>HCP NUMBER</b>	<b>HCP NAME</b>	<b>465 No.</b>	<b>FRN</b>	<b>SP NAME</b>	<b>Rural Rate</b>	<b>Urban Rate</b>
33149	The Burke Center - West Austin Street	43144429	1580117	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580118	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580121	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580122	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580123	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580124	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580125	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580126	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580127	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580128	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580129	Windstream Communications, LLC	\$21,700.00	\$665.00



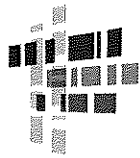
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HCP NUMBER	HCP NAME	465 No.	FRN	SP NAME	Rural Rate	Urban Rate
33149	The Burke Center - West Austin Street	43144429	1580130	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580131	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43144429	1580132	Windstream Communications, LLC	\$21,700.00	\$665.00
33149	The Burke Center - West Austin Street	43155674	1584689	Windstream Communications, LLC	\$22,870.00	\$665.00
26649	Trinity Valley Community College	43133868	1578411	Windstream Communications, LLC	\$20,000.00	\$665.00
26649	Trinity Valley Community College	43133868	1578412	Windstream Communications, LLC	\$47,963.97	\$665.00
26649	Trinity Valley Community College	43133868	1578413	Windstream Communications, LLC	\$33,350.34	\$665.00
26649	Trinity Valley Community College	43133868	1578414	Windstream Communications, LLC	\$3,526.50	\$665.00
26649	Trinity Valley Community College	43133868	1578415	Windstream Communications, LLC	\$3,526.50	\$665.00
26649	Trinity Valley Community College	43144511	1578416	Windstream Communications, LLC	\$3,526.50	\$665.00
26649	Trinity Valley Community College	43144511	1578417	Windstream Communications, LLC	\$33,350.34	\$665.00
26649	Trinity Valley Community College	43144511	1578418	Windstream Communications, LLC	\$3,526.50	\$665.00



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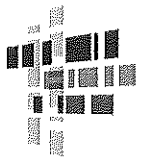
<b>HCP NUMBER</b>	<b>HCP NAME</b>	<b>465 No.</b>	<b>FRN</b>	<b>SP NAME</b>	<b>Rural Rate</b>	<b>Urban Rate</b>
26649	Trinity Valley Community College	43123237	1578419	Windstream Communications, LLC	\$3,526.50	\$665.00
26649	Trinity Valley Community College	43123240	1578420	Windstream Communications, LLC	\$3,985.50	\$665.00
26649	Trinity Valley Community College	43155659	1578421	Windstream Communications, LLC	\$24,150.00	\$665.00
26649	Trinity Valley Community College	43155659	1580115	Windstream Communications, LLC	\$45,554.59	\$665.00
34447	UTHSCT on behalf of ETIHN - Andrews Center	43155889	1575203	Windstream Communications, LLC	\$51,000.00	\$665.00
34447	UTHSCT on behalf of ETIHN - Andrews Center	43155889	1578408	Windstream Communications, LLC	\$51,000.00	\$665.00
34447	UTHSCT on behalf of ETIHN - Andrews Center	43155889	1578409	Windstream Communications, LLC	\$51,000.00	\$665.00
34447	UTHSCT on behalf of ETIHN - Andrews Center	43155889	1578410	Windstream Communications, LLC	\$51,000.00	\$665.00
34447	UTHSCT on behalf of ETIHN - Andrews Center	43155889	1584974	Windstream Communications, LLC	\$50,473.50	\$665.00



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**Appendix B – FY 2016 FRNs**

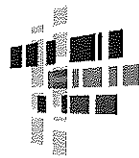
<b>FUND YEAR</b>	<b>HCP NUMBER</b>	<b>HCP NAME</b>	<b>465 No.</b>	<b>FRN</b>	<b>SP NAME</b>	<b>ESTIMATED AMT</b>
2016	33149	The Burke Center - West Austin Street	43144429	1697877	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697940	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697941	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697946	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697947	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697948	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697949	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697953	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697954	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697958	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697959	Windstream Communications, LLC	\$252,420.00



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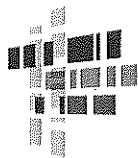
FUND YEAR	HCP NUMBER	HCP NAME	465 No.	FRN	SP NAME	ESTIMATED AMT
2016	33149	The Burke Center - West Austin Street	43144429	1697960	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697961	Windstream Communications, LLC	\$252,420.00
2016	33149	The Burke Center - West Austin Street	43144429	1697963	Windstream Communications, LLC	\$252,420.00
2016	26649	Trinity Valley Community College	43123237	1698106	Windstream Communications, LLC	\$34,338.00
2016	26649	Trinity Valley Community College	43133868	1698108	Windstream Communications, LLC	\$34,338.00
2016	26649	Trinity Valley Community College	43133868	1698110	Windstream Communications, LLC	\$232,020.00
2016	26649	Trinity Valley Community College	43133868	1698112	Windstream Communications, LLC	\$567,587.64
2016	26649	Trinity Valley Community College	43133868	1698118	Windstream Communications, LLC	\$392,224.08
2016	26649	Trinity Valley Community College	43133868	1698121	Windstream Communications, LLC	\$34,338.00
2016	26649	Trinity Valley Community College	43144511	1698125	Windstream Communications, LLC	\$34,338.00
2016	26649	Trinity Valley Community College	43144511	1698130	Windstream Communications, LLC	\$392,224.08
2016	26649	Trinity Valley Community College	43144511	1698134	Windstream Communications, LLC	\$34,338.00





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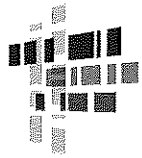
FUND YEAR	HCP NUMBER	HCP NAME	465 No.	FRN	SP NAME	ESTIMATED AMT
2016	26649	Trinity Valley Community College	43155659	1698138	Windstream Communications, LLC	\$281,820.00
2016	34447	UTHSCT on behalf of ETIHN - Andrews Center	43155889	1697880	Windstream Communications, LLC	\$604,020.00
2016	34447	UTHSCT on behalf of ETIHN - Andrews Center	43155889	1698227	Windstream Communications, LLC	\$604,020.00
2016	34447	UTHSCT on behalf of ETIHN - Andrews Center	43155889	1698229	Windstream Communications, LLC	\$604,020.00
2016	34447	UTHSCT on behalf of ETIHN - Andrews Center	43155889	1698230	Windstream Communications, LLC	\$604,020.00
2016	34447	UTHSCT on behalf of ETIHN - Andrews Center	43155889	1698233	Windstream Communications, LLC	\$597,702.00



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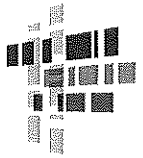
**Appendix C – FY 2012 – 2014 FRNs**

<b>FUND YEAR</b>	<b>HCP NUMBER</b>	<b>HCP NAME</b>	<b>465 No.</b>	<b>FRN</b>	<b>SP NAME</b>	<b>Commitment Amount</b>
2014	33149	The Burke Center - West Austin Street	43144429	1456999	Windstream Communications, LLC	\$250,384.44
2014	33149	The Burke Center - West Austin Street	43144429	1457000	Windstream Communications, LLC	\$250,384.44
2014	33149	The Burke Center - West Austin Street	43144429	1457001	Windstream Communications, LLC	\$185,922.26
2014	33149	The Burke Center - West Austin Street	43144429	1457002	Windstream Communications, LLC	\$246,313.12
2014	33149	The Burke Center - West Austin Street	43144429	1457003	Windstream Communications, LLC	\$250,384.44
2014	33149	The Burke Center - West Austin Street	43144429	1457004	Windstream Communications, LLC	\$214,421.32
2014	33149	The Burke Center - West Austin Street	43144429	1457005	Windstream Communications, LLC	\$250,384.44
2014	33149	The Burke Center - West Austin Street	43144429	1457006	Windstream Communications, LLC	\$192,820.90
2014	33149	The Burke Center - West Austin Street	43144429	1457007	Windstream Communications, LLC	\$250,384.44
2014	33149	The Burke Center - West Austin Street	43144429	1457008	Windstream Communications, LLC	\$192,820.90
2014	33149	The Burke Center - West Austin Street	43144429	1457010	Windstream Communications, LLC	\$214,421.32



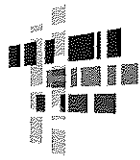
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<b>FUND YEAR</b>	<b>HCP NUMBER</b>	<b>HCP NAME</b>	<b>465 No.</b>	<b>FRN</b>	<b>SP NAME</b>	<b>Commitment Amount</b>
2014	33149	The Burke Center - West Austin Street	43144429	1457011	Windstream Communications, LLC	\$180,493.97
2014	33149	The Burke Center - West Austin Street	43144429	1462644	Windstream Communications, LLC	\$250,384.44
2014	33149	The Burke Center - West Austin Street	43144429	1462646	Windstream Communications, LLC	\$155,659.00
2014	33149	The Burke Center - West Austin Street	43144429	1465687	Windstream Communications, LLC	\$72,604.62
2012	26649	Trinity Valley Community College	43123237	1210028	Windstream Communications, LLC	\$28,615.00
2012	26649	Trinity Valley Community College	43123237	1210032	Windstream Communications, LLC	\$28,615.00
2012	26649	Trinity Valley Community College	43123240	1210038	Windstream Communications, LLC	\$33,205.00
2013	26649	Trinity Valley Community College	43123237	1332019	Windstream Communications, LLC	\$34,338.00
2014	26649	Trinity Valley Community College	43123240	1455788	Windstream Communications, LLC	\$39,846.00
2014	26649	Trinity Valley Community College	43123237	1455793	Windstream Communications, LLC	\$34,338.00
2014	26649	Trinity Valley Community College	43133868	1455796	Windstream Communications, LLC	\$34,338.00
2014	26649	Trinity Valley Community College	43133868	1455797	Windstream Communications, LLC	\$232,020.00



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<b>FUND YEAR</b>	<b>HCP NUMBER</b>	<b>HCP NAME</b>	<b>465 No.</b>	<b>FRN</b>	<b>SP NAME</b>	<b>Commitment Amount</b>
2014	26649	Trinity Valley Community College	43133868	1455798	Windstream Communications, LLC	\$34,338.00
2014	26649	Trinity Valley Community College	43133868	1456124	Windstream Communications, LLC	\$392,226.48
2014	26649	Trinity Valley Community College	43133868	1456125	Windstream Communications, LLC	\$567,587.64
2014	26649	Trinity Valley Community College	43144511	1456126	Windstream Communications, LLC	\$392,224.08
2014	26649	Trinity Valley Community College	43144511	1456997	Windstream Communications, LLC	\$538,675.08
2014	26649	Trinity Valley Community College	43144511	1456998	Windstream Communications, LLC	\$281,820.00
2014	26649	Trinity Valley Community College	43144511	1462637	Windstream Communications, LLC	\$34,338.00
2014	26649	Trinity Valley Community College	43144511	1462640	Windstream Communications, LLC	\$34,338.00
2015	26649	Trinity Valley Community College	43133868	1578414	Windstream Communications, LLC	\$34,338.00
2015	26649	Trinity Valley Community College	43133868	1578415	Windstream Communications, LLC	\$34,338.00
2015	26649	Trinity Valley Community College	43144511	1578416	Windstream Communications, LLC	\$34,338.00
2015	26649	Trinity Valley Community College	43144511	1578418	Windstream Communications, LLC	\$34,338.00



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FUND YEAR	HCP NUMBER	HCP NAME	465 No.	FRN	SP NAME	Commitment Amount
2015	26649	Trinity Valley Community College	43155659	1578419	Windstream Communications, LLC	\$34,338.00
2015	26649	Trinity Valley Community College	43155659	1578420	Windstream Communications, LLC	\$39,846.00